

Before the
Federal Communications Commission
Washington, DC 20554

In the Matter of

New Skies Satellites N.V.,

Transferor,

and

Munaro Holding B.V.,

Transferee,

Application for Transfer of Control for Six (6) Fixed
Earth Stations

and

Change of Ownership of Permitted List Satellites
NSS-5, NSS-7 and NSS-806

IB Docket No. 04-247

File No. SES-T/C-20040625-00886

File No. SAT-PPL-20040625-00123

**PETITION TO ADOPT CONDITIONS TO
AUTHORIZATIONS AND LICENSES**

The United States Department of Justice (“DOJ”), including the Federal Bureau of Investigation (“FBI”), and the United States Department of Homeland Security (“DHS”), (collectively, the “Agencies”), respectfully submit this Petition to Adopt Conditions to Authorizations and Licenses (“Petition”), pursuant to Section 1.41 of the Federal Communications Commission’s (“FCC” or “Commission”) rules.¹ Through this Petition, the Agencies advise the Commission that they have no objection to the Commission granting the applications filed in the above-referenced proceeding, provided that the Commission conditions

¹ 47 C.F.R. § 1.41.

the grant of the applications on New Skies Satellites B.V. (“New Skies”) abiding by the commitments and undertakings contained in their October 13, 2004, letter to Laura H. Parsky, Tina W. Gabbrielli, and Patrick W. Kelley (“Letter”) attached hereto as Exhibit 1.

In the above-captioned proceeding, New Skies applied pursuant to Section 310(d) of the Communications Act of 1934, as amended, and Section 25.119 of the Commission’s rules, for Commission consent to the transfer of control of six Title III earth station licenses held by New Skies Networks, Inc. (“New Skies Networks”), a U.S. subsidiary of Old New Skies, to New Skies.² New Skies also asked the Commission, in accordance with paragraphs 326-327 of the *Satellite Licensing Streamlining Order*, and Section 25.137(g) of the Commission’s rules, to authorize transfer of Old New Skies’ Permitted List authorizations to New Skies.³

As the Commission is aware, the Agencies have taken the position that their ability to satisfy their obligations to protect the national security, enforce the laws, and preserve the safety of the public could be impaired by transactions in which foreign entities will own or operate a part of the U.S. telecommunications system, or in which foreign-located facilities will be used to provide domestic telecommunications services to U.S. customers. After discussions with New Skies Satellites B.V. representatives in connection with the proposed acquisition and assignments, the Agencies have concluded that the commitments set forth in the Letter are sufficient to ensure that the Agencies and other entities with responsibility for enforcing the law, protecting the national security, and preserving public safety can proceed in a legal, secure, and

² See 47 U.S.C. § 310(d); 47 C.F.R. § 25.119.

³ See *Amendment of the Commission's Space Station Licensing Rules and Policies*, 18 FCC Rcd 10760 ¶¶ 326-27 (2003) (“*Satellite Licensing Streamlining Order*”); 47 C.F.R. § 25.137.

confidential manner to satisfy these responsibilities.⁴ Accordingly, the Agencies hereby advise the Commission that they have no objection to the Commission granting the above-referenced applications for consent to assignments, provided that the Commission conditions its consent on compliance by New Skies Satellites B.V with the commitments set forth in the Letter.

The Agencies are authorized to state that New Skies Satellites B.V., Blackstone NSS Communications Partners (Cayman) L.P., Blackstone Family Communications Partnership (Cayman) L.P., Blackstone [NSS] Capital Partners (Cayman) IV L.P., Blackstone [NSS] Capital Partners (Cayman) IV-A L.P., Blackstone Family Investment Partnership (Cayman) IV-A L.P., and New Skies Satellites N.V. do not object to the grant of this Petition.

Respectfully submitted,

/s/ PATRICK W. KELLEY for
LAURA H. PARSKY

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October 15, 2004

⁴ The Agencies do not take a position, nor should this Petition be interpreted as impliedly stating a position of the Agencies, with respect to New Skies' belief that the proposed transaction does not involve the acquisition of control of the Old New Skies assets by a foreign-controlled person, nor New Skies' belief that the proposed transaction neither implicates any national security issues nor poses any threat of harm to U.S. communications infrastructure.

CERTIFICATE OF SERVICE

I, Myla R. Saldivar-Trotter, hereby certify that on this 15th day of October 2004, I caused a true and correct copy of the "**Petition to Adopt Conditions to Authorizations and Licenses**" pertaining to *In the Matter of New Skies Satellites N.V. and Munaro Holding B.V. Application for Transfer of Control for Six (6) Fixed Earth Stations and Change of Ownership of Permitted List Satellites NSS-5, NSS-7 and NSS-806, IB Docket No. 04-247, File Nos.SES-T/C-20040625-00886 and SAT-PPL-20040625-00123* to be served upon the following parties via Electronic Mail:

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